

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Implementation of the Telecommunications	)	CC Docket No. 96-115
Act of 1996:	)	
	)	
Telecommunications Carriers' Use of	)	
Customer Proprietary Network Information	)	
And Other Customer Information	)	
	)	

**COMMENTS IN SUPPORT OF PETITIONS FOR RECONSIDERATION**

IDT Corporation ("IDT") submits the following brief comments in support of the Petitions for Reconsideration ("Petitions") filed by AT&T Wireless Services, Inc. ("AWS")<sup>1</sup> and Verizon Communications Inc. ("Verizon").<sup>2</sup> AWS requests that "the Commission reconsider its decision to eliminate its presumption that inconsistent state customer proprietary network information ("CPNI") requirements will be preempted."<sup>3</sup> Verizon similarly, if somewhat more thoroughly, requests that "the Commission reconsider its order to make clear that all state regulations of [CPNI] that are inconsistent with the federal CPNI rules, including any state rules that adopt an opt-in requirement,

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<sup>1</sup> "Petition for Reconsideration," *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, As Amended; 2000 Biennial Annual Review – Review of Policies and Rules Concerning Unauthorized Charges of Consumer's Long Distance Carriers*; Third Report and Order and Third Further Notice of Proposed Rulemaking, CC Docket Nos. 96-115, 96-149, 00-257, FCC 02-214 (rel. July 25, 2002)("AWS Petition").

<sup>2</sup> "Verizon's Petition for Reconsideration," *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' use of Customer Proprietary Network Information and Other Customer Information*; Third Report and Order and Third Further Notice of Proposed Rulemaking, CC Docket No. 96-115, FCC 02-214 (rel. July 25, 2002)("Verizon Petition").

<sup>3</sup> AWS Petition at 1.

are preempted.”<sup>4</sup> For the reasons stated in the Petitions and briefly restated below, the Commission should grant the Petitioners’ requests.

For the sake of brevity, IDT refrains from restating the Petitioners’ arguments simply to demonstrate our support. We take this opportunity solely to express our solidarity with the Petitioners on this issue and share our concerns for the constitutional implications of the Commission’s actions and, more practically, the impact of the Commission’s actions on IDT and similarly situated carriers. Should the Commission decline to act in accordance with Petitioners’ requests, states will be free to institute CPNI standards that are inconsistent with and more restrictive than, federal regulations. As a result, carriers will be compelled to: operate under the strictest standard; adopt a patchwork of state-specific compliance processes (which will likely be either overly burdensome, expensive or impossible); or abandon use of CPNI altogether. Any such outcome would be contrary to the Congressional goal of uniform national CPNI regulation as set forth in 47 USC § 222.

In conclusion, for the reasons stated above and in the aforementioned Petitions, IDT urges the Commission to act in accordance with Petitioners’ request that all state regulations of CPNI that are inconsistent with the federal CPNI rules, including any state rules that adopt an opt-in requirement, are preempted.

Respectfully submitted,

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November 19, 2002

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<sup>4</sup> Verizon Petition at 1.

## CERTIFICATE OF SERVICE

I, Carl Wolf Billek, hereby certify that on this 19<sup>th</sup> day of November 2002, the foregoing Comments in Support of Petitions for Reconsideration by IDT Corporation was filed electronically on the FCC's Electronic Comment Filing System and copies were served via U.S. Mail, first-class, postage prepaid (unless otherwise noted) to the following:

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